

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORIA AMAYA,

Plaintiff,

V.

ROSE INTERNATIONAL MARKET,
INC.; SAIED MEHRANFAR and JAVAD
M MEHRANFAR,
Defendants.

Case No. 5:14-cv-03331 NC

ORDER DISMISSING COMPLAINT WITH PREJUDICE

Plaintiff GREGORIA AMAYA requests that the Court dismiss defendants ROSE INTERNATIONAL MARKET, INC.; SAIED MEHRANFAR and JAVAD M MEHRANFAR with prejudice with respect to the following: (1) the Fair Labor Standards Act claims; (2) the PAGA claims; and (3) the Complaint. Dkt. Nos. 40 (motion) 41 (Declaration in support).

All parties have consented to the jurisdiction of a magistrate judge. Dkt. Nos. 17, 19.
The Court GRANTS AMAYA's request as follows:

With respect to the Fair Labor Standards Clas-

agreement, Dkt. No. 41-1, as well as plaintiff's counsel's declaration describing the potential

1 unpaid wage value (\$17,973.81) and the case's potential value with penalties (\$63,717.41),
 2 Dkt. No. 41, the Court finds the agreement terms (\$40,000.00 settlement amount) to be a
 3 "fair and reasonable resolution of a bona fide dispute" and dismisses the case. *See Luo v.*
 4 *Zynga Inc.*, No. 13-cv-00186 NC, 2014 WL 457742, at *2 (N.D. Cal. Jan. 31, 2014) (internal
 5 quotation marks and citation omitted).

7 As to the settlement of \$500.00 for claims under the Private Attorney General Act of
 8 2004, Cal. Labor Code 2698 *et seq.* the Court notes that while liability was contested the
 9 potential value of the case based on plaintiff's counsel's declaration was \$9,900.00. The
 10 Court further notes that plaintiff received value both for her wage claims and penalty claims
 11 under the \$40,000.00 settlement. See Cal. Labor Code § 2699.3 (b)(4) (noting that the Court
 12 should "ensure that the settlement provisions are at least as effective as the protections or
 13 remedies provided by state and federal law.") Because plaintiff AMAYA received value
 14 under the settlement for her wage and penalty claims, and because the amount she received
 15 was less than the total potential value of her individual claims, the Court finds the \$500.00
 16 PAGA penalty to not be objectionable and on that basis approves the settlement and
 17 dismisses the PAGA claim with prejudice.
 18

21 The Court also dismisses the entire action with prejudice with instructions to the
 22 Clerk to vacate all future dates and close the file.

23 **IT IS SO ORDERED.**

25 Dated: October 6, 2015

